

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
Civil Action No. 4:14-cv-165-KS

ROGER SOUTHERLAND and	)
GWENDOLYN DOZIER, as Individuals	)
and as Representatives on behalf of all	)
others similarly situated,	)
	)
	)
Plaintiffs,	)
	)
	)
v.	)
	)
	)
THE HILLSHIRE BRANDS COMPANY,	)
	)
	)
Defendant.	)

**ORDER GRANTING JOINT MOTION FOR FINAL CERTIFICATION OF  
FLSA COLLECTIVE ACTION; FOR FINAL APPROVAL OF SETTLEMENT; AND FOR  
FINAL APPROVAL OF ATTORNEY'S FEES, COSTS AND SERVICE AWARDS**

The Court has considered the Joint Motion for Final Certification of FLSA Collective Action; For Final Approval of Settlement; and For Final Approval of Attorney's Fees, Costs and Service Awards ("Joint Motion for Final Approval"), filed by Plaintiffs Roger Southerland and Gwendolyn Dozier ("Named Plaintiffs") individually and on behalf of all FLSA Opt-In Plaintiffs ("Opt-Ins") ("Named Plaintiffs" and "Opt-Ins" collectively referred to as "Plaintiffs"), and Defendant The Hillshire Brands Company (collectively, the "Parties"). The Court has thoroughly reviewed the Settlement Agreement and carefully considered Plaintiffs' claims, the documents on record and the procedural history of this action and the preceding action entitled *Anderson v. Sara*

*Lee Corporation*. At the hearing of this matter, the court orally announced findings of fact and conclusions of law, which are incorporated herein by reference, and ORDERED as follows:

1. The Court grants Final Certification of the collective action under 29 U.S.C. § 216(b) ("FLSA"), with the following defined eligible collective action members:

All employees and former employees who worked at Sara Lee or for "The Hillshire Brands Company" at the Tarboro, North Carolina, plant in an hourly production, maintenance, or boiler & refrigeration ("B&R") position anytime between September 2, 2011, and September 23, 2015.

2. The Court finds that the settlement was negotiated at arms length by the parties and hereby approves and confirms the Settlement embodied in the Settlement Agreement (Dkt. 69-1) as being a fair, reasonable and adequate settlement of a *bona fide* dispute between the parties, in light of the parties' respective prospects for success (or failure) were the case to proceed to trial on the merits.

3. The Court hereby approves the attorney's fees and costs sought by Class Counsel Alvin L. Pittman in the amount of \$132,420.00 as reasonable.

4. The Court hereby approves the incentive/service awards to Named Plaintiffs Roger Southerland and Gwendolyn Dozier as reasonable in the amount of \$3,000.00 to each Named Plaintiff;

5. Without affecting the finality of this Order, this Court retains exclusive jurisdiction over the consummation, performance, administration, effectuation, and enforcement of this Order. In addition, without affecting the finality of this Order, this Court retains jurisdiction over Defendant, the Named Plaintiffs, and each Collective Class Member for the purpose of enabling any

of them to apply to the Court for such further orders and directions as may be necessary or appropriate for the construction and implementation of the terms of the Settlement Agreement and this Order.

6. The action is hereby dismissed in its entirety, on the merits, as against Defendant with prejudice.

SO ORDERED.

This 11th day of December 2017.

A handwritten signature in black ink, reading "Kimberly A. Swank", is written over a horizontal line.

KIMBERLY SWANK

United States Magistrate Judge